

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-207953 DATE: July 6, 1982
MATTER OF: Euclid Design & Development Co.,
Clark Division

DIGEST:

Whether bidders are regular dealers or manufacturers under the Walsh-Healey Public Contracts Act is for determination by the contracting agency subject to final review by the Small Business Administration and the Secretary of Labor.

Euclid Design & Development Co., Clark Division (Euclid), protests award of a contract to any other bidder under solicitation No. DAAE07-82-B-5468 issued by the United States Army Tank-Automotive Command. Euclid contends that the other offerors do not appear to meet the prerequisites of a regular dealer or manufacturer as set forth under the Walsh-Healey Public Contracts Act.

Our Office does not consider questions as to whether a bidder is a regular dealer or manufacturer within the meaning of the Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45 (1976). Such matters are by law for the contracting agency's determination in the first instance, subject to final review by the Small Business Administration (where a small business is involved) and the Secretary of Labor. Gillette Industries, B-204232, August 13, 1981, 81-2 CPD 139.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel